

CHAPTER 77 DANGEROUS WILD ANIMALS

21—77.1(82GA,SF564,SF601) Definitions.

“*Agricultural animal*” means any of the following:

1. An animal that is maintained for its parts or products having commercial value, including but not limited to its muscle tissue, organs, fat, blood, manure, bones, milk, wool, hide, pelt, feathers, eggs, semen, embryos, or honey.
2. An animal belonging to the equine species, including horse, pony, mule, jenny, donkey, or hinny.

“*Agricultural animal*” does not mean a swine which is a member of the species *sus scrofa* Linnaeus, including but not limited to swine commonly known as Russian boar or European boar of either sex.

“*Dangerous wild animal*” means any of the following:

1. A member of the family canidae of the order carnivora, including but not limited to wolves, coyotes, and jackals. However, a dangerous wild animal does not include a domestic dog.
2. A member of the family hyaenidae of the order of carnivora, including but not limited to hyenas.
3. A member of the family felidae of the order carnivora, including but not limited to lions, tigers, cougars, leopards, cheetahs, ocelots, and servals. However, a dangerous wild animal does not include a domestic cat.
4. A member of the family ursidae of the order carnivora, including bears and pandas.
5. A member of the family rhinocerotidae of the order perissodactyla, which is a rhinoceros.
6. A member of the order proboscidea, which are any species of elephant.
7. A member of the order of primates other than humans, and including the following families: callitrichidae, cebidae, cercopithecidae, cheirogaleidae, daubentoniidae, galagonidae, hominidae, hylobatidae, indridae, lemuridae, loridae, megaladapidae, or tarsiidae. A member includes but is not limited to marmosets, tamarins, monkeys, lemurs, galagos, bush babies, great apes, gibbons, lesser apes, indris, sifakas, and tarsiers.
8. A member of the order crocodilia, including but not limited to alligators, caimans, crocodiles, and gharials.
9. A member of the family varanidae of the order squamata, which are limited to water monitors and crocodile monitors.
10. A member of the order squamata which is any of the following:
 - A member of the family varanidae, which are limited to water monitors and crocodile monitors.
 - A member of the family atractaspidae, including but not limited to mole vipers and burrowing asps.
 - A member of the family helodermatidae, including but not limited to beaded lizards and gila monsters.
 - A member of the family elapidae, viperidae, crotalidae, atractaspidae, or hydrophidae which are venomous, including but not limited to cobras, mambas, coral snakes, kraits, adders, vipers, rattlesnakes, copperheads, pit vipers, keelbacks, cottonmouths, and sea snakes.
 - A member of the superfamily henophidia, which are limited to reticulated pythons, anacondas, and African rock pythons.
11. Swine which is a member of the species *sus scrofa* Linnaeus, including but not limited to swine commonly known as Russian boar or European boar of either sex.

“Dangerous wild animal” includes an animal which is the offspring of an animal listed in paragraphs “1” to “11” and another animal listed in those paragraphs or any other animal. It also includes animals which are the offspring of each subsequent generation. However, a dangerous wild animal does not include the offspring of a domestic dog and a wolf, or the offspring from each subsequent generation in which at least one parent is a domestic dog.

“*Department*” means the Iowa department of agriculture and land stewardship.

“*Possess*” means to own, keep, or control a dangerous wild animal, or supervise or provide for the care and feeding of a dangerous wild animal, including any activity relating to confining, handling, breeding, transporting, or exhibiting the dangerous wild animal.

21—77.2(82GA,SF564,SF601) Prohibitions. Except as otherwise provided in this chapter, a person shall not own or possess a dangerous wild animal, cause or allow a dangerous wild animal owned by a person or in the person’s possession to breed, or transport a dangerous wild animal into this state.

21—77.3(82GA,SF564,SF601) Continued ownership—requirements of the individual. A person who owns or possesses a dangerous wild animal on July 1, 2007, may continue to own or possess the dangerous wild animal if the person is 18 years old or older and meets all of the following:

77.3(1) The person must not have been convicted of an offense involving the abuse or neglect of an animal pursuant to a law of this state or another state, including but not limited to the provisions of Iowa Code chapter 717, 717B, 717C, or 717D or an ordinance adopted by a city or county.

77.3(2) The department, another state, or the federal government must not have suspended an application for a permit or license or revoked a permit or license required to operate a commercial establishment for the care, breeding, or sale of animals, including as provided in Iowa Code chapter 162.

77.3(3) The person must not have been convicted of a felony for an offense committed within the last ten years, as provided by the Code of Iowa, under the laws of another state, or under federal law.

77.3(4) The person must not have been convicted of a misdemeanor or felony for an offense committed within the last ten years involving a controlled substance, as defined in Iowa Code section 124.101, in this state, under the laws of another state, or under federal law.

21—77.4(82GA,SF564,SF601) Continued ownership—insurance required. The person who continues to own or possess a dangerous wild animal must maintain liability insurance coverage in an amount of not less than \$100,000, with a deductible of not more than \$250, for each occurrence of property damage, bodily injury, or death caused by each dangerous wild animal kept by the person. The contents of the insurance policy must provide for notification to the department if the policy is canceled or reduced.

21—77.5(82GA,SF564,SF601) Continued ownership—electronic identification device. The person who continues to own or possess a dangerous wild animal must have an electronic identification device implanted beneath the skin or hide of the dangerous wild animal, unless a licensed veterinarian states in writing that the implantation would endanger the comfort or health of the animal. In such case, an electronic identification device may be otherwise attached to the dangerous wild animal as required by the department. An electronic identification device means a device which when installed is designed to store information regarding an animal or the animal’s owner in a digital format which may be accessed by a computer for purposes of reading or manipulating the information.

21—77.6(82GA,SF564,SF601) Continued ownership—registration form.

77.6(1) The person who continues to own or possess a dangerous wild animal must notify the department using a registration form prepared by the department not later than December 31, 2007.

77.6(2) The registration form shall include all of the following information:

- a. The person's name, address, and telephone number.
 - b. A sworn affidavit that the person meets the requirements necessary to own or possess a dangerous wild animal as provided in this chapter.
 - c. A complete inventory of each dangerous wild animal which the person owns or possesses. The inventory shall include all of the following information:
 - (1) The number of dangerous wild animals according to species.
 - (2) The name of the manufacturer and number of the manufacturer's electronic device implanted in or attached to each dangerous wild animal.
 - (3) The location where each dangerous wild animal is kept. The person must notify the department in writing within ten days of a change of address or of the location where the dangerous wild animal is kept.
 - (4) The approximate age, sex, color, weight, scars, and any distinguishing marks of each dangerous wild animal.
 - (5) The name, business mailing address, and business telephone number of the licensed veterinarian who is responsible for providing care to the dangerous wild animal. The information shall include a statement signed by the licensed veterinarian certifying that the dangerous wild animal is in good health.
 - (6) A color photograph of the dangerous wild animal.
 - (7) A copy of a current liability insurance policy as required in rule 77.4(82GA,SF564,SF601).
- The person shall submit a copy of the current liability policy to the department each year.

21—77.7(82GA,SF564,SF601) Continued ownership—registration fee.

77.7(1) The person who continues to own or possess a dangerous wild animal must pay the department an annual registration fee as follows:

- a. \$500 for a member of the order proboscidea, which are any species of elephant.
- b. \$500 for a member of the family rhinocerotidae of the order perissodactyla, which is a rhinoceros.
- c. \$300 for a member of the family ursidae of the order carnivora, which is limited to bears.
- d. For a member of the family felidae of the order carnivora, all of the following:
 - (1) \$300 for a member of the subfamily pantherinae, limited to leopards other than snow leopards, lions, and tigers; and for a member of the subfamily felinae limited to pumas, jaguars, and cougars.
 - (2) \$200 for a member of the subfamily felinae limited to bobcats, clouded leopards, cheetahs, and lynx.
 - (3) \$100 for a member of the subfamily felinae limited to caracals, desert cats, Geoffroy's cats, jungle cats, margays, ocelots, servals, and wild cats.
- e. For a member of the order of primates other than humans, all of the following:
 - (1) \$300 for a member commonly referred to as an ape, belonging to the hylobatidae family such as gibbons and siamangs, or to the pongidae family including gorillas, orangutans, or chimpanzees.
 - (2) \$150 for a member commonly referred to as an old world monkey, belonging to the family cercopithecidae, including but not limited to macaques, rhesus, mangabeys, mandrills, guenons, patas monkeys, langurs, and proboscis monkeys.
 - (3) \$50 for a member commonly referred to as a new world monkey belonging to the family cebidae, including but not limited to cebids, including capuchin monkeys, howlers, woolly monkeys, squirrel monkeys, night monkeys, titis, uakaris, or to the family callitrichidae, including but not limited to marmosets and tamarins.

f. \$100 for a member of the order crocodilia, including but not limited to alligators, caimans, crocodiles, and gharials.

g. \$50 for a member of the family varanidae of the order squamata, which are limited to water monitors and crocodile monitors.

h. \$50 for a member of the family atractaspidae, including but not limited to mole vipers and burrowing asps.

i. \$50 for a member of the family helodermatidae, including but not limited to beaded lizards and gila monsters.

j. \$50 for a member of the family elapidae, viperidae, crotalidae, atractaspidae, or hydrophidae which are venomous, including but not limited to cobras, mambas, coral snakes, kraits, adders, vipers, rattlesnakes, copperheads, pit vipers, keelbacks, cottonmouths, and sea snakes.

k. \$100 for a member of the superfamily henophidia, which is limited to reticulated pythons and anacondas.

l. \$10 for swine which is a member of the species *sus scrofa* Linnaeus, including but not limited to swine commonly known as Russian boar or European boar of either sex.

77.7(2) The department shall collect either an original registration fee or a renewal registration fee. The renewal fee is one-half the amount of the original fee.

21—77.8(82GA,SF564,SF601) Continued ownership—records required. The person who continues to own or possess a dangerous wild animal must maintain health and ownership records for the dangerous wild animal for the life of the animal, including: deaths and cause of each death; the complete name, address and telephone number of the person to whom an animal was transferred or sold; the date the animal was transferred or sold; and the current location of each animal's records.

21—77.9(82GA,SF564,SF601) Continued ownership—enclosure required.

77.9(1) The person who continues to own or possess a dangerous wild animal must confine the dangerous wild animal in a primary enclosure on the person's premises. The primary enclosure should be of sound construction and maintained in good repair to protect the animal from injury. Construction materials and maintenance shall allow the animal to be kept clean. The animal should be housed or caged in a manner that allows the animal to perform the normal behavior patterns of its species and prevents disease, liberation, or accidental injury to the animal and the public. The animal should have adequate food, shelter, ventilation, and lighting for its species. Appropriate sanitation measures must be taken. Food supplies and bedding materials must be adequate, appropriate, and sanitary. Equipment must be available for the removal and disposal of waste materials to minimize vermin infestation, odors, and disease hazards.

77.9(2) The person must not allow the dangerous wild animal outside of the primary enclosure unless the dangerous wild animal is moved pursuant to any of the following:

- a.* To receive veterinary care from a licensed veterinarian.
- b.* To comply with the directions of the department or an animal warden.
- c.* To transfer ownership and possession of the dangerous wild animal to a wildlife sanctuary or provide for its destruction by euthanasia according to the American Veterinary Medical Association Panel on Euthanasia Guidelines.

21—77.10(82GA,SF564,SF601) Continued ownership—signs required. The person who continues to own or possess a dangerous wild animal must display at least one visible, readable sign with suitable wording on the person's premises where the dangerous wild animal is kept warning the public that the dangerous wild animal is confined there.

21—77.11(82GA,SF564,SF601) Escape notification required. The person who continues to own or possess a dangerous wild animal must immediately notify an animal warden or other local law enforcement official of any escape of a dangerous wild animal.

21—77.12(82GA,SF564,SF601) Relinquishment. If the person who continues to own or possess a dangerous wild animal is no longer able to care for the animal, both of the following shall apply:

1. The person must so notify the department, stating the planned disposition of the dangerous wild animal.
2. The person must dispose of the dangerous wild animal by transferring ownership and possession to a wildlife sanctuary or providing for its destruction by euthanasia according to the American Veterinary Medical Association Panel on Euthanasia Guidelines.

21—77.13(82GA,SF564,SF601) Seizure, custody and disposal.

77.13(1) Except as provided in subrule 77.13(2), the department shall seize a dangerous wild animal which is in the possession of a person if the person is not in compliance with the requirements of this chapter. An animal warden as defined in Iowa Code section 162.2, or an animal care provider or law enforcement officer as defined in Iowa Code section 717B.1, shall enforce this chapter as directed by the department.

77.13(2) Upon request, the department may provide that the person retain possession of the dangerous wild animal for not more than 14 days, upon conditions required by the department. During that period, the person shall take all necessary actions to comply with this chapter. The premises, housing facilities and records required by 2007 Iowa Acts, Senate Files 564 and 601, shall be open for inspection by authorized personnel of the department during normal business hours.

77.13(3) If the person fails to comply with the conditions of the department at any time or is not in compliance with this chapter following the 14-day period, the department shall seize the dangerous wild animal.

21—77.14(82GA,SF564,SF601) Exemptions. This chapter does not apply to any of the following:

1. An institution accredited or certified by the American Zoo and Aquarium Association.
2. A wildlife sanctuary.
3. A person who keeps falcons, if the person has been issued a falconry license by the department of natural resources pursuant to Iowa Code section 483A.1.
4. A person who owns or possesses a dangerous wild animal as an agricultural animal. The person shall not transfer the dangerous wild animal to another person, unless the person to whom the dangerous wild animal is transferred will own or possess it as an agricultural animal or the person is a wildlife sanctuary.
5. A person who owns or possesses a dangerous wild animal as an assistive animal. The person shall not transfer the dangerous wild animal to another person, unless the person to whom the dangerous wild animal is transferred will own or possess it as an assistive animal or the person is a wildlife sanctuary.
6. A person who harvests the dangerous wild animal as a hunter or trapper pursuant to state law and as regulated by the department of natural resources.
7. A person who has been issued a wildlife rehabilitation permit by the department of natural resources pursuant to Iowa Code section 481A.65.
8. A circus that obtains a permit from a city in which it will be temporarily operating, if the city issues permits.
9. A city.

10. A nonprofit corporation governed under Iowa Code chapter 504 that is an organization described in Section 501(c)(3) of the Internal Revenue Code and that is exempt from taxation under Section 501(a) of the Internal Revenue Code if the nonprofit corporation was a party to a contract executed with a city prior to July 1, 2007, the effective date of 2007 Iowa Acts, Senate Files 564 and 601, to provide for the exhibition of dangerous wild animals at a municipal zoo. The nonprofit corporation shall not transfer the dangerous wild animal to another person, unless the person to whom the dangerous wild animal is transferred is a wildlife sanctuary.

11. The state fair as provided in Iowa Code chapter 173 or any fair as provided in Iowa Code chapter 174.

12. A research facility.

13. A location operated by a person licensed to practice veterinary medicine pursuant to Iowa Code chapter 169. However, this paragraph shall not apply to a swine which is a member of the species *sus scrofa* Linnaeus, including but not limited to swine commonly known as Russian boar or European boar of either sex.

14. A pound as defined in Iowa Code section 162.2.

15. An animal shelter as defined in Iowa Code section 162.2.

16. A county conservation board as provided in Iowa Code chapter 350.

17. An employee of the department responsible for the administration of this chapter, an animal warden as defined in Iowa Code section 162.2, or an animal care provider or law enforcement officer as defined in Iowa Code section 717B.1.

18. A person temporarily transporting a dangerous wild animal through this state if the transit time is not more than 96 hours and the dangerous wild animal is maintained within a confined area sufficient to prevent its escape or injuring members of the traveling public.

19. A public agency which maintains permanent custody of a dangerous wild animal, if the person to whom the public agency assigns the duty to manage the custody of the dangerous wild animal complies with the provisions of 2007 Iowa Acts, Senate File 564, section 4.

20. A person who keeps a dangerous wild animal pursuant to both of the following conditions:

- The person is licensed by the United States Department of Agriculture as provided in 9 CFR Chapter 1.

- The person is registered by the department of agriculture and land stewardship. Upon a complaint filed with the department of agriculture and land stewardship, the department may inspect the premises or investigate the practices of the registered person and suspend or revoke the registration for the same causes and in the same manner as provided in Iowa Code section 162.12.

These rules are intended to implement 2007 Iowa Acts, Senate Files 564 and 601.

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CHAPTERS 78 to 84

Reserved